

**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, August 12, 2013
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Todd Welch, Kathy Holder, Kim Daughtry, Marcus Tageant, Neal Dooley and John Spencer

COUNCILMEMBERS ABSENT: Suzanne Quigley

STAFF MEMBERS PRESENT: City Administrator Jan Berg, City Attorney Grant Weed, Planning Director Becky Ableman, Finance Director Barb Stevens, Public Works Director Mick Monken, Building Official Larry Skinner, Principal Planner Karen Watkins, Human Resource Director Steve Edin, Interim Police Chief Dan Lorentzen, and City Clerk/Admin. Asst. Norma Scott

OTHERS: Mark Wakefield, Sam Low, and Mike Walters

Excused Absence. Councilmember Holder moved to excuse Councilmember Quigley, seconded by Councilmember Dooley; motion carried unanimously. (6-0-0-1)

Guest Business. Mark Wakefield, 121 95th Ave SE, commented he believes City Administrator Berg has lied to him and he requested an investigation and asked about the procedure. Mayor Little responded this will be discussed in executive session.

Consent Agenda. Councilmember Spencer moved to approve the Consent Agenda (A. Approve August vouchers [Payroll Direct Deposits 907525-907586 for \$113,444.19; Payroll Checks 35485 for \$2,452.32; Electronic Funds Transfers 624-629 for \$138,375.44; Claims 35486-35570 for \$115,245.71; Tax Deposit 8.1.13 for \$44,120.06 for total vouchers approved of \$413,637.72]; B. Approve Council regular meeting minutes of July 22, 2013; and C. Adopt first and final reading of Ordinance No. 899, 2013 Budget amendment), seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Public hearing in consideration of first and final reading of Ordinance No. 890, Permissible Use Table Code Amendment. City Clerk Scott read the public hearing procedure. Principal Planner Watkins reported there was a Council briefing on July 22 and reviewed some of the main issues. This is a private party request relating to automobile sales in the Local Business zone. The proposed ordinance would allow for motor vehicle sales or rentals under the Local Business zone only on State Routes SR204 at 10th Street SE and SR92 at Grade Road.

Sam Low, 8409 4th Place SE, asked about the RV temporary weekend sale at Frontier Village. Staff will check on this.

MOTION: Councilmember Dooley moved to close the public comment portion of the hearing, seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Spencer moved to close the public hearing on Ordinance 890, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Spencer moved for first and final reading of Ordinance 890, seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Public hearing in consideration of first and final reading of Ordinance No. 897, Building & Construction and Fire Code amendments. Principal Planner Watkins noted there were no changes from the July 22nd Council meeting. This ordinance adopts the 2012 International Code Groups; currently using the 2009 version. Ms. Watkins reviewed the minor edits to the City's Building and Construction Codes and Fire Codes with no change to residential sprinklers.

Building Official Skinner commented the City cannot go below the state adopted code standards but can go higher.

MOTION: Councilmember Daughtry moved to close the public comment portion of the hearing, seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Spencer moved for approval of Ordinance 897 Building and Construction and Fire Codes first and final, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

Public hearing in consideration of first and final reading of Ordinance No. 898, Shoreline Code amendments. Principal Planner Watkins reported these code amendments are necessary to retain consistency between Lake Stevens Municipal Code Title 14, Land Use Regulations, and the Shoreline Master Program (SMP) adopted on May 31. Large portions of Lake Stevens Municipal Code Chapter 14.92, Shoreline Management, were removed but references to the SMP were added.

MOTION: Councilmember Daughtry moved to close the public comment portion of the public hearing, seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Dooley moved to close the public hearing, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Spencer moved for Ordinance 898 final reading of the Shoreline Code amendments, seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Approve Resolution No. 2013-6, fees amendment. Principal Planner Watkins reviewed the fee changes.

MOTION: Councilmember Spencer moved for approval of Resolution 2013-6, seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

Acceptance of 20th Street sidewalk bid award and contract with Trinity Contractors Inc. Public Works Director Monken commented the City Web site and AWC roster were used this time to solicit bids and was successful in receiving four bids. The bids were higher than the

engineers estimate, roughly over 20% from last year. Mr. Monken reviewed the project summary. A 5% contingency was added in the amount of \$13,000. The increase to the City over the current approved budget amount of \$68,250 is \$32,150 including the contingency. The approved State match is \$204,750. The project will start early September and anticipate completion late October.

MOTION: Councilmember Dooley moved to approve the award of bid for 20th NE sidewalk project and have the Mayor sign the contract with Trinity Contractors for the amount of \$258,051 plus contingency of \$13,000, seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

Approve Grade Road bank stabilization geotechnical agreement with Robinson Noble Inc. Public Works Director Monken reported the road is still stable but will eventually have a failure due to slope erosion on the east bank. This contract will provide for a geotechnical analysis performed on the road bank condition and to develop a preliminary stabilization plan called soil nailing. The City's work crew may do the soil nailing. The project is scheduled for September.

MOTION: Councilmember Tageant moved to authorize the Mayor to execute a Professional Service agreement with Robinson Noble, Inc. to perform a slope stability analysis and prepare a preliminary soil nailing design for the eastside Grade Road north of 30th Street NE, seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

Approve 123rd Avenue NE Outfall Bridge preliminary geotechnical study with Robinson Noble Inc. Public Works Director Monken commented there is a recent redevelopment interest west of the City's Permit Center for a multi-floor mix use facility. The City is looking at vehicular access and circulation impacts. The 6-Year Transportation Improvement Program shows this site would be served by the future southern extension of 123rd Avenue NE to 17th Place. The big unknown is the construction of a bridge across the lake outfall. This geotechnical study is to determine the soils condition and type of foundation needed to support a bridge structure. The developer would like to break ground next year.

MOTION: Councilmember Spencer moved for approval of the 123rd Avenue NE outfall bridge preliminary geotechnical study with Robinson Noble Inc., seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Approve Public Defender contract amendment with Feldman & Lee. City Administrator Berg commented that through informal interviews it was determined that extending the current contract was less expensive than a new contract for the short term. Feldman & Lee can meet the new mandated standard requirements being imposed as of October 2013. City Attorney Weed noted there are a limited number of firms in Snohomish County that provide this service and the transition to a new public defender on such short notice would be difficult. Ms. Berg noted that in September we may go into a full RFP process with the cities of Marysville and Arlington.

MOTION: Councilmember Dooley moved to approve public defender contract amendment with Feldman Lee to extend to the end of the year, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

I-502 discussion. City Attorney Weed gave an update on the State recreational marijuana law approved by the voters. Federal Control Substance Act says marijuana has no medicinal value and is illegal. The State is holding public hearings and could adopt rules August 14 and then become effective September 16. The Liquor Control Board will issue the licenses and the decision on issuing specific licenses could be as early as December 1. The law is silent on the applicant meeting all land use regulations in the City. Some of the options the City could enact include limit to interim zoning regulations, permanent zoning regulations, or moratorium on land use action, which requires a public hearing within 60 days. Several cities are opting for a moratorium.

MOTION: Councilmember Spencer moved to add Item F. as an action item to adopt 6-month moratorium on establishing recreational marijuana production, processing and retailing inside the City limits of Lake Stevens, seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

City Attorney Weed reviewed the proposed ordinance. The City's public hearing would be held on September 23. Planning Director Ableman noted this would be assigned Ordinance No. 900.

MOTION: Councilmember Daughtry moved for approval of Ordinance No. 900 on the moratorium on recreational use of marijuana, seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Executive Session; At 8:44 p.m. Mayor Little called for an executive session on current litigation and personnel performance for 45 minutes with no action to follow. There was a brief recess with the executive session beginning at 8:50 p.m. At 9:35 p.m. the session was extended for 10 minutes and at 9:45 p.m. was extended an additional 10 minutes with the public being notified. The executive session ended at 9:55 p.m.

Adjourn. Councilmember Daughtry moved to adjourn at 9:58 p.m., seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)



Vern Little, Mayor



Norma J. Scott, City Clerk/Admin. Asst.